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THE IMPACT OF CRIME ON THE ECONOMIC AND SOCIAL DEVELOPMENT OF AFRICAN COUNTRIES

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I. DEVELOPMENT AND CRIME: AN OVERVIEW

1. The interlinkage between crime and development in African countries has not been adequately analyzed empirically to allow firm conclusions to be made. However, in developing countries in general, such factors as population growth, urbanization, industrialization, modernization and poverty are deemed to be among the major factors influencing crime rates. This position has been consistently expressed by several United Nations Congresses on the Prevention of Crime and the Treatment of Offenders. As early as 1955, the Second UN Congress, observed that in developing regions of the world, including Africa,"from observations of experts and from limited statistical data in such areas, it can be said that juvenile deliquency became a problem of concern in those countries, when industrialisation has increased and where urban centres have been established" (reported in Clinard p.11). In 1970, the fourth UN Congress observed as follows:

> As any country begins to open up, outgrow its traditionalism and respond to outside influences or new ideas by modernizing, industrializing and concentrating people in certain areas, its people and particularly its younger generations, seize the many new opportunities. And in doing so, a small but progressively increasing number of them succumb to temptations and seek illegal satisfaction through crime. (quoted in Clinard, p.10).

2. The seventh UN Congress also echoed the same position by pointing out that "development is not criminogenic per se. especially where the fruits are equitably distributed among all the people,...however unbalanced or inadequately planned development contributes to an increase in criminality (A/CONF./121/22/REV.1). Finally, the Eighth Congress summed up the issue by stating: "Economic growth creates increased opportunities for the legitimate satisfaction of needs and should lead to higher standards of living, but it is also accompanied by increased opportunities for crime." (A/CONF.144/28). In trying to analyze the relationship between development and crime in developing countries, Clinard further made some interesting observations which are pertinent to African countries. He maintained that in developing countries, serious asymmetries tend to appear as societies seek to propel themselves into the modern world and these are as follows:

> "1. An imbalance between the concentration of modernization and economic power in urban areas and the backwardness of the rural population.

2. An imbalance between population growth and the ability of the economy to create employment.

3. An imbalance between the demands for talent by the economic system and the development of skills.

4. In urban areas a reduction of the role of the family and elders as the main socializing agents of youth without adequate social control replacement by other institutions, resulting in the development of behaviour patterns among youth that differ radically from family expectations.

5. Changes in values that reject a fatalistic acceptance of the relatively impoverished conditions under which people traditionally have lived." (Clinard, p.10).

3. Lack of foresight by development planners and funding agencies when proposing certain economic measures which all too often ignore their social implications have also directly or indirectly contributed to the creations of criminogenic context. For example, Implementation of structural adjustment programmes in the various African countries, has had negative consequences on the human welfare in several countries of the region, and thus leaving a great number of Africa's population even more vulnerable and impoverished. Arguments against drastic curtailment of government expenditures have rightly maintained that the poor, the unemployed, and the landless are the main beneficiaries of services provided by the government, and these are the first to suffer severely when these services are cut back. In addition, the proposal of cost-sharing has also been challenged on the basis that the poor segment of Africa's population is unable to meet their share of the cost. "This could aggravate the problem of inequality which is already a major issue. Cost-sharing in areas such as education and health could easily make it difficult for the poor to uplift their standard of living, and could widen the existing gap between the poor and rich in may African countries implementing the structural adjustment programmes." (UNECA, The Human Dimensions of Africa's persistent Economic Crisis, p.48)

4. In Nigeria, it has been reported that the 1986 structural adjustment programme marginalized the agricultural and small-scale industrial sector of the economy, which often accounts for about 90 percent of modern sector employment, in foreign exchange allocation, This adversely affected a large sector of the rural and urban population which depends directly or indirectly on these two sectors for their livelihood. (Umo, in UNECA, Ibid.) Furthermore, the unemployment situation in Nigeria during the period of adjustment in known to have increased to 2-3 million potential workers, consisting not only of recent graduates from the country's expanded education system but also of people laid off and who have retired voluntarily or involuntarily in the process of implementing the structural adjustment programme. (Umo). In the Sudan, " the end result of the IMF-World Bank

management of the Sudan economy was a deepening economic crisis which in turn precipitated declining social welfare and increased human misery.... As a logical result of corruption at the higher government levels, corrupt patterns of behaviour quickly permeated the lower levels of government and became an accepted way of accumulating personal fortunes. Thus the observed declining standards of civil service performance in general could be explained in terms of structural adjustment programmes-induced behaviour. (Gadir Ali, in UNECA Ibid.) In Zambia the stabilization programme of the IMF "converted single-digit inflation into double digit runaway inflation. Through bringing about disparate growth rates of wage incomes and inflation, it exacerbated the already iniquitous income distribution and led to social tensions. Instead of reviving the economy, it in fact led to severe economic contraction." (Seshamani, in UNECA. Ibid.) In Madagascar, as a result of the implementation of structural adjustment programme, the "rapid fall in income, coupled with the effects of rising unemployment, has led to a rapid increase in the rate of poverty" (Andriomanana, in UNECA, Ibid.).

5. Although studies on the correlation between some aspects of structural adjustment programmes and crime rates are yet to be undertaken in African countries, the few examples cited above serve to illustrate the possibility that many well-intentioned development programmes in African countries, which fail to take into account the human dimension, could have negative consequences on the welfare of their populations, segments of which, in their state of misery and reduced circumstances, and in the absence of other social and economic alternatives, could resort to criminal behaviour to make ends meet.

6. It has further been pointed out that often development and sectoral planning in African countries does not give due regard to the social impact of planning strategies at the planning stage, so that social- and human related problems which if unsolved, could result in criminal behaviour, are not anticipated or seen until they begin to manifest themselves at the implementation stage or at the end of a project, when it may be too late to change or rectify the situation. For example, "industrialization requires careful social-impact studies of all industrial projects, at the pre-investment level. Such studies, and the articulation of the non-economic objective of industrial development, need to be specific and concrete." (A/CONF.87/10). Yet there are reasons to suggest that many industrial and agricultural projects in African countries are not preceded by such studies. A simple example to illustrate this point is provided by several schemes introduced in an arid zone of one country with the intention of converting a nomadic pastoral tribe into a sedentary agricultural group. They included an irrigation scheme, a fishing project which involved the construction of a gargantum ice-making, and cold storage plant, and a dam project which threatened the survival of the people and their herds, all of which were expensively planned, funded and implemented. But because the authorities and funding agencies did not take into account the culture and traditions of the people and the human

and social consequences of such projects at the pre-investment stages, the success rate of the projects were very low, compared to the resources spent. In the process, the projects ravaged lake-shore grasslands, split up families, turned the men who had lost their livestock into social pariahs (their traditions dictate that a man who makes a living on work other than keeping animals is a failure, cannot be a trusted member of the family or tribe, his daughters cannot marry, his sons cannot be initiated as men, and his children are illegitimate and he has not social responsibility over them), forced women into prostitution once unheard of in the region, and made most intended beneficiaries poorer and dependent on food-aid. In order to restock their herds some may have been forced to attack and raid their neighbours to steal their cattle. (See Harden, 1990 for details of the projects).

II. FORM, EXTENT AND TRENDS IN CRIMINALITY IN AFRICAN COUNTRIES.

1. Crimes against property

7. Included in this category of crime, with some variations in individual countries, are as such types as theft, robbery, burglary, and criminal trespassing. (Embezzlement, fraud, forgery, and criminal misappropriation will be discussed under economic abuses and malpractice; armed robbery with violence is also discussed under crimes against the person because of the physical harm involved).

8. Available data in crime trends in individual African countries indicate a general upward trend in crimes against property in most countries in the region. A survey conducted by the United Nations Social Defence Institute (UNCRI), on patterns of crime in the African region, covering the period between 1982 and 1987, indicated that there was a general increase in recurrence in crimes against property, and this type of crime was ranked of top priority by several African countries. A recent study in the Sudan revealed that most common crimes against property committed during the 1980s, were burglary, theft, fraud, car theft and robbery (Sudan, Sudan Report). The study also revealed a regional variations in incidences of crime, with the highest percentage of the crimes against property taking place in the nation's capital, Khartoum, and the second highest in the more developed central region, both places accounting for almost 63.3% of the total number of crimes in this category.(See Table 1). The study attributes this phenomenon to the overpopulation, poor housing and other infrastructure in the poor neighbourhoods, abject living conditions of the population in these places, the growing disparity in income and the increased impoverishment of the rural areas leading to massive rural to urban migration. Similarly, the study attributes the high incidences of robbery and armed robbery in Darfur (38.0% and 46.4%) to the existence of opposing armed militias in the region, conflicts between settled farmers and herdsmen, as well as the exploitation of the deteriorating security situation by foreign troops which

allegedly loot and destroy villages, farms and livestock. (Sudan Report).

9. This rising trend in property crimes is also confirmed by data from other African countries. A recent study of crime rates in Nigeria concluded that a high level of industrialization and urbanization resulted in a high rate of crime in the country, especially property crimes.(Indian Journal of Criminology, 15:#2, July 1987). The two seminars on juvenile deliquency, organized in 1988 (Addis Ababa) and 1990 (Kampala), by the United Nations African Institute for the Prevention of crime and the treatment of offenders (UNAFRI), identified offenses against property as the most frequently committed by juvenile offenders.(see ECA, Juvenile deliquency, crime and justice in the light of socio-economic conditions in Africa, 1989). A study on juvenile deliquency and crime in Zambia also revealed that during the period between 1971 and 1987, the most committed offenses by juvenile delinquents were those associated with property, totalling 11,206 out of a total of 13,743 offenses. Out of the total offenses against property, theft was the most common, totalling 7,059 reported cases, constituting 63% of the total reported crimes against property. (ECA. Ibid.) Another study on juvenile deliquency and crime in Ethiopia, indicated that crimes against property was the most frequently committed offence by juveniles, theft ranking highest. Out of a total number of 1,710 cases interviewed, 1090 cases, almost 63.7% were involved in theft, fraud, or a combination of theft and fraud. As in the case of the Sudan, most of the offenses occurred in the largest urban centres, namely Addis Ababa and Asmara. (ECA, Ibid.). Similar trends in increase and frequency of crimes against property were reported in Burkina Faso, Morocco, Tanzania and the Seychelles during the period between 1978 and 1981. (ECA, Ibid.).

10. Several research findings indicate that property crime is predominantly an urban form of criminality. In most African countries, the growth of the urban centres has been rapid, and in many cases not necessarily a response to emerging urban opportunities, but rather a reaction, particularly among the youth and able-bodied, to the absence of opportunities and amenities in the rural areas. This has led to the development of shanty towns, slums, and squatter settlements which have become a feature of many cities in African countries. For many city dwellers, underemployment and unemployment are common features. The physical environment of slums, characterized by very inadequate and depressing infrastructure, basic services and amenities including housing, schools, health services, recreational facilities, water and sanitation are more often than not, breeding grounds for potential or real criminals. Unfulfilled expectations and need to survive, may have led many otherwise innocent individuals into criminal behaviour. In addition, in the face of considerably weakened or non-existent social control mechanisms of the extended family, community and indigenous institutions, which are so important in reinforcing conduct and norms, many city dwellers find themselves uprooted from the cultural context with which they are familiar and are

thus marginalized and easily exposed to anti-social and criminal elements.

2. Crimes against the person

11. Included in this category are such crimes as criminal homicide, (murder and manslaughter), assault and aggravated assault, sex offenses (rape and prostitution), armed robbery involving attacks on the person, resulting in maiming or death, attempted suicide (in some countries only), ritual violence and murder and grave digging). Due to non-availability of accurate data on trends and rates crimes against the persons in individual African countries, only a brief discussion here will be attempted.

12. The limited information available suggest that there is a steady increase in **criminal homicide**, assault and aggravated assault in several African countries. Judging by the previous reports and recent incidences, South Africa, probably tops the list of those countries seriously affected by the crime. Physical fighting resulting in serious physical injury and death and other aggressive behaviour are common in various social groups, with varying degrees of seriousness. These crimes are occasioned by such circumstances as passions of jealousy, the need to avenge a wrongdoing, disputes growing out of community or personal association, family or personal vendettas, provocation, or ill-treatment. Several studies suggest that offenders who engage in violent crimes in developing countries are usually males in their twenties, largely unskilled workers from lower classes and have a history of aggressive behaviour. (Clinard,p. 61). Furthermore, cross-cultural studies also indicated that in most cases of criminal homicide, the victim is known or closely related to the offender. (Bloch, Clinard,and Johnsons).

13. The findings of a study conducted in Uganda on homicides in three districts indicated that of the 501 homicides, 159 or 33% grew out of quarrels between members of the intimate family; one-fourth (27%) of all those killed in intimate family disputes were wives. Thirty-seven (7.4%) were other relatives and 171 (34.1%) were friends, fellow-workers, or acquaintances. The remaining 134 cases, (26.8%) were not identified as having been related to the offender. The situations from which homicide developed were in order of frequency, beer-party brawl (109), domestic altercations (65), provocation by victim (51), theft (49), mental disorder (43), sexual (39), infanticide (15), dispute over bridewealth (9),dispute over finances (8), dispute over land (7), witchcraft (7), simple quarrel (6), long standing grudge (5), and mistaken identity (3). (Clinard, p.63).

14. Prostitution in rural African is extremely rare, but much more common in urban areas. Cases have been reported in Addis Ababa, Nairobi, Abidjan, Dar-es-Salaam, Lagos, Cairo, Yaounde, and several other African cities. Motives for prostitution is largely economic. Most young girls, who migrate to the cities

with little or no skills, and in the absence of the traditional family ties, are forced to enter into prostitution as an income-generating activity. There are others however, who would prefer prostitution to taking up a menial job presumably because the former brings in more cash. Reported cases of rape are few African countries, possibly because of the social stigma attached to it and the difficulty of proving the case in the eyes of the law. Thus it is quite possible that many such cases remain unreported.

15. An increase in **robbery with violence** or the threat of violence to secure money or material goods has been reported in African countries, some of which have been forced to impose mandatory death sentences on convicted robbers. In most cases, robbery with violence involves the use of offensive weapons such as knives, machetes, firearms, automobiles and other sophisticated equipment to force doors and windows open, in attacks on homes, banks, offices and other places, causing serious physical injury and often death to those who resist or might give evidence latter. Examples of robbery with violence are many. In Zambia it has been reported that violent crime has become an increasingly serious problem as a result of high unemployment and inflation rates. (International Herald Tribune, 15 July 1986). In Nigeria the Head of State has vowed to launch a war against a wave of violent crimes in the country. (Reuter, 6 October 1986). Robbers have become so daring that gangs have even attacked and robbed a Nigerian airbus, a Spanish and Ethiopian airlines as they taxed to take off. (Egyptian Gazette, 1 May 1986). In increase in crimes including robbery with violence has prompted the Minister for Home Affairs in Tanzania to declare war on criminals. Instituting a community-based informal crime control mechanism called sungusungu and declaring a general amnesty to criminals who would voluntarily turn themselves in within a given period of time, has greatly reduced nighttime robbery, especially in the city of Dar-es-Salaam. Recently, authorities in Kampala expressed their alarm and concern over deteriorating security in the capital due to violent robbery and similar crimes. According to Clinard, "as a country develops, there is an increase in robbery with violence or the threat of violence, to secure money or material objects." (Clinard and Abbot, p.39).

16. **Ritual murder and ritual violence** seems to be a special category of crime widely practised in a number of African countries inspite of tough action taken by governments against the perpetrators of such crimes. Juju, black magic, witchcraft, or whatever name is given to the phenomenon, remains a powerful and driving force in African traditional life. Its application, or protection from it involves a variety of rituals and the fulfilment of certain conditions prescribed by the medicineman/magician/witch etc. At the extreme end of such acts are **ritual violence and ritual murder.**

17. A few quoted cases will suffice to illustrate the hideousness of such offenses. In **Ghana**, a man was reported to have been executed by a firing squad for beheading his nine-year old nephew because the village chief needed the magical power of the boy's "parts" to help him win a contract for his construction business. A zimbabwe farmer confessed in court to raping his teenage daughter because the withchdoctor told him it would cure his sore feet. A man and woman in Nigeria were arrested with five human skulls and assorted limbs possibly destined for sale to those who required their magic powers. Six prominent liberians including a country prosecutor, a judge, a Methodist preacher, and a Brigadier- General were sentenced to hang for the murder and dismemberment of two boys in order to obtain their two left eyes and private parts for a concoction of a magical brew needed to win a mayoral election. A year later (1989), the number- two leader in the country, was court-martialled and sentenced to death for employing a witchdoctor to behead a policeman in order to get the "part" of a strong and brave man to give him the magical strength he needed to overthrow the then president Doe. (See Harden). In addition to the above cases, the former president of Uganda, Iddi Amin Dada, was reported to have resorted to ritual murder and cannibalism to obtain the required magic to remain in power. Former Emperor Bokassa was also rumoured to have practised cannibalism possibly for the same motives.

18. Another disturbing criminal phenomenon which has been reported from time to time, is **grave digging**, either to obtain body parts for magical purposes or to plunder the riches buried on or with the corps. In a number of African countries, particularly in West Africa, customary practices require that the dead be buried with expensive clothing and jewellery. Grave digging, in search of these treasures, appears a lucrative business to thieves who have no compunction in stripping a decomposing corpse of its treasures.

3. Illicit drug trafficking and abuse

19. Although African countries in general have not considered the problem of illicit drug trafficking and abuse as of priority concern, there are adequate indications to show that this is increasingly becoming an area of concern and African governments will have to take it more seriously before it gets out of proportion, as it already has in other developing areas of the world. The African Regional Preparatory Meeting for the seventh United Nations Congress on the Prevention of Crime and the treatment of Offenders, held in Addis Ababa from 28 November to 2 December 1983, expressed grave concern about the problem and called for drastic measures to curb it. The report of the meeting states:

> " Apart from corruption of various types, the other main category of crime that had recently increased swiftly in most of the region was the use of, and trafficking in drugs.... some countries of the region had become the location of international trafficking where the final

destination or points of origin or both, might be in different continents....the use of narcotic had increased recently and brought with it many drug-related crimes. (UN A/Conf.121/RPM/4 A similar concern was also expressed by the regional preparatory meeting for the eighth United Nations congress.

20. The picture of the extent of the problem clearly emerged at the **first meeting of heads of national drug law enforcement agencies, held in Addis Ababa in 1987,(see report of meeting),** which disclosed a wide range of drug abuse and trafficking between the African continent and other countries of the world. Cannabis is the drug most widely used in the region and is being moved in increasing quantities to Europe . Evidence also indicate that heroin and cocaine trafficking, has increased, particularly through West Africa, to Europe (in the case of cocaine) and through Europe and North America (in the case of heroin). Illicit trafficking of methaqualone (mandrax) is an increasing problem for drug law enforcement officers in the southern African countries. In **Cote d'Ivoire**, the major problem used to be one of transit trafficking, but it has been reported that since 1986, cocaine and heroin started appearing on the local market. Ivorian traffickers and others from west African countries, bring in heroin from India and Pakistan destined for Europe and North America, while cocaine is brought in from Brazil. In **Mali** it was reported that cannabis remained the most serious problem but there was increasing traffic in psychotropic substances especially amphetamines, hallucinogenic, benzodiazapines and barbituaries. **Egypt** is reported to be a producer, consumer and transit point of narcotic drugs. There were significant increases in seizures of heroin between 1982 and 1986 and in 1987 30 killogrammes of heroin were seized at Cairo airport in transit between India and Nigeria. Opium production seems to remain a major problem which the government is making efforts to combat with the assistance of bilateral and international agencies. In **Botswana**, drug control legislation and law enforcement have been strengthened to deal with the threat of increasing trafficking in cannabis (known locally as 'dagga') and methaqualone destined mostly to South Africa, involving Botswana nationals as well others from African and non-African countries. In October of this year it was reported that custom authorities in **Tanzania** had seized a 5-ton container in which drugs destined elsewhere outside the country, were hidden among second-hand clothes and other items. (BBC, Focus on Africa). Increasing cases of illicit drug use, trafficking, as well as production in varying degrees of seriousness, has also been reported in **Senegal, Kenya, Zambia, Burkina Faso, Malawi, and Mauritius.**

21. Over the years, the most widely used drug in Ethiopia has been **khat** (cathaedulis) which is known to have been brought into the country from Yemen between the first and sixth century. Export of the drug is said to have brought into the country much needed foreign exchange earnings. A recent survey undertaken in the country on drug abuse and illicit trafficking, covering the period between 1987 and 1990, indicated an increasing use of

and trafficking in cannabis, heroin and cocaine. In 1990 alone, 80 males were convicted for the use of cannabis and a total of 85 males and 5 females for the illegal trafficking of both heroin and cannabis. Traffickers use the Ethiopian Airlines and Addis Ababa airport as a transit point to countries in Asia, Europe Middles East and the Far East. (Tadesse, 1991).

22. In the Sudan crimes against the Hashish and Opium Ordinance are reported to have increased between 1972 and 1980. It is postulated that economic conditions have forced poor pastoral and seasonal workers to grow hashish in commercial quantities as a profitable way of making a living. The internationalization of drug abuse and trafficking in the Sudan is reflected in the increasing number of drug abuse convicts deported back to the Sudan from other countries such as Saudi Arabia, Libya, and the Gulf countries, as well as the increasing number of Sudanese convicted and imprisoned in a number of countries such as Italy, Saudi Arabia, Egypt, Qatar, Syria, India, Greece, Germany, Iraq and Austria. (Sudan Report).

23. In 1986, the Nigerian authority impounded an Air India airbus and seized 32.5 killogrammes of cocaine found aboard and charged the crew with drug trafficking (Reuter, 7 September 1986). Further reports indicate the extent of the problem in the country. United States congressmen complained of the increase in drug trade between Nigeria and the United States, blaming it on the lax security at the Nigeria airport. (Reuter, 19 August 1986). A pregnant Nigeria woman, about to board a plane to Rome, was arrested carrying 150 grammes of cocaine concealed on her body, and was subsequently sentences to 16 years imprisonment. (Reuter 15 September 1986). An American woman was found with 200 grammes of cocaine in Nigeria and sentenced to 10 years imprisonment. (Reuter, 13 Feb. 1987). The death sentences of six women drug dealers was commuted to 7-10 years imprisonment and at the same time 130 drug traffickers were released from jail. (South China Morning Star, 9 July 1986).

24. The above-mentioned few example perhaps serve to illustrate only the tip of the iceberg. Due to limited data and information on the magnitude of the problem however, it is not possible to state precisely the extent, trends and patterns of drug abuse and trafficking in the region, But the absence of reliable information and data should not be reason for complacency on the part of African countries. Experience from other countries, both developed and developing have shown that the war against illegal use of drugs and trafficking can be costly and especially for developing countries, it puts a heavy strain on already meagre national resources. Indiscriminate use of highly addictive drugs has devastating impact on the individual addict, his family as well as society. Available information suggest that cases of drug abuse especially among youth in some African countries are on the increase and are cause for grave concern. There are also cases of young people being used as couriers in the increasing

problem of illicit drug trafficking in the region. Clearly, Africa cannot sit still while its reservoir of human resources go to ruin.

25. The international Conference on Drug Abuse and Illicit Trafficking, held in Vienna, on 17-26 June 1987, adopted the **Comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control.**The Outline recommends some practical measures which can contribute to the fight against drug abuse and illicit trafficking, to be implemented by national governments and international bodies, in accordance with their respective economic and social conditions. These are (a) prevention and reduction of demand; (b) control of supply; (c) suppression of illicit trafficking and (d) treatment and rehabilitation.(Conference Report, 1987) Since the problem transcends national and regional boundaries, African countries cannot fight alone and individually. In order for their efforts to be effective, close co-operation among African governments and with other international agencies involved in the fight is necessary. Some existing efforts in this direction are notable, but more stepped-up concerted action is required.

4. Crimes relating to the abuse of power

26. Until recently, concern has been on the control of the common "street crimes". A greater consciousness on the part of the international community for the need for greater social and economic justice however has resulted in increased concern over the growing number of reported cases relating to the abuses of political and economic power. In addition to the large number of known and unknown criminals in accordance with the statute books, there are number of " 'gilded' criminals - namely those who have political power and wield it with impunity when injuring citizens and the community for their personal gain or for the benefit of their oligarchy, or who possess an economic power and use it to the detriment of the community as a whole (UN, A/CONF.87/6).

(a) Economic abuses and malpractice

27. Abuse of economic power can be for economic gains, political ends both of which can bring untold social and economic harm to the victims and to the nation a whole. A wide range of offenses are included in this category of crime. These range from outright theft and clearcut fraud with one or more readily identifiable victims to a more subtle and often hidden kinds of malpractice involving a large number of people or affecting the whole nation. They vary in time and place and what may be considered criminal in one country may be acceptable practice in another country and vice-versa, depending on the socio-economic system and political orientation. (Melup 475). To name a few examples, economic abuses include tax, credit and custom and consumer fraud, misappropriation and embezzlement, forgery, sale of unsafe and substandard products, adulterated food, obsolete pharmaceutical and drugs, real estate swindling, hoarding and smuggling, bribery, corruption, and violation of

currency regulations and many similar criminal practices. Depending on their nature, such crimes and malpractice are not exclusive to the higher echelons of public service and management, but they are also found among the middle and low-level cadres of society who may be acting on behalf or in collusion with a Big Man.

28. This type has become of great concern in many African countries with far-reaching economic and social consequences both for the individual and the nation concerned. The regional preparatory meeting for the seventh United Nations Congress on the prevention of crime and the treatment of offenders noted that abuse and misappropriation of public funds a significant feature of the crime picture in the African region. (UN A/CONF.121/RPM/4). This position was also confirmed by participants at the seminar on planning for crime prevention and criminal justice in the context of development (see seminar report), and at the regional preparatory meeting for the eighth United Nations congress on the prevention of crime and the treatment of offenders (see report).

29. The recently concluded survey of needs and priorities for the African region, by UNCRI, covering the period between 1982 and 1986 highlighted economic crimes as one of the highest concerns in African countries. For example, the number and magnitude of reported cases on embezzlement of public funds seem to be on the increase in several African countries as frequently reported in the mass media and as appears in official reports, such as policy reports, reports of the auditor-general and similar authoritative documents. Embezzlement mainly takes place in national banks, public corporations, ministries, (including those which are entrusted with the responsibility of maintaining individual and public security, such as ministries of defence and home affairs) parastatal organizations, and public institutions including schools, and hospitals. Indeed, the amount of money which has been siphoned off from national coffers, both in local and foreign currencies has contributed to the depletion of already meagre national resources. It is sometimes said that the amount of foreign currency salted out to foreign banks by some high-level public officials, would be more than adequate to write off the national foreign debt of their respective countries.

30. Corruption has become almost cancerous in the region. It involves the abuse of office of public officials and state bureaucrats by violating general laws or specific regulations of the respective office under their responsibility. Often the motive is financial and material gains through kickbacks, bribes, and other favours, in return for service rendered. It has become one of the most frequently- cited justifications for coup d'etats that have swept the continent in the last decades. Incumbent governments have been toppled in the name of cleansing a corrupt system, only later, the succeeding government to find itself charged and toppled for the same reason. To put it in another way, political instability, entailing numerous changes

of governments, have also contributed to the rise in corrupt practices as the incumbents are in a hurry to fill their pockets, rather than to serve the public, before the next coup d'etat. In one particular country it has been reported that "an ethic of corruption has percolated deep into the civil service. District Commissioners routinely steal cement from donor-funded, erosion prevention dams. Court prosecutor routinely demand bribes in return for not opposing bail. The director of motor vehicles has become rich and politically powerful by demanding bribes from everyone who wants to license a big truck." (Harden)

31. Corruption victimizes those who are not willing to comply and even those who are willing to do so, can easily be victims of deceit and conning. It can thus seriously erode the moral fabric of societies leading to widespread public mistrust of the performance of public officials and bureaucratics, and subsequently resulting in social unrest and political instability. The recent social and political upheavals in several African countries can be attributed, in part, to this factor.

32. **Consumer fraud, hoarding and smuggling** are in some ways related to one another and sometimes one enforces the other. They are known to be widely practised in several African countries. Consumer fraud by retailers,including deception of weights and measures, sales of inappropriate or obsolete technologies, adulterated food, outdated drugs and pharmaceutical, overpricing of goods and services, and other similar practices puts the African consumer at great risk economically, socially, and healthwise.

33. **Hoarding**, even though per se may not be regarded as a crime, but its wide practice in African countries is accentuating the victimization of consumers, particularly those at the grassroot. In times of shortages, traders invariably put away essential commodities in high demand to create artificial shortages which subsequently inflate the prices which the consumer must pay. Related to hoarding is the **smuggling** of a variety of goods, foodstuffs, and precious minerals across national boundaries into other countries, for sale at inflated prices. This has led to shortages of essential commodities in the originating country. Smuggling in African countries takes place largely to evade official sanctions imposed on the movements of persons and goods across national frontiers. One form of smuggling involves imports which are not recorded by custom officials, either because they are moved covertly, with or without the complicity of the custom official. Other forms include under-invoicing, making false declaration as to the real value of the commodity; misclassification, making false declaration as to the nature of the goods; and underassessment of the duties by custom officials, with or without kickbacks. (Sudan Report).

34. The situation has been accentuated by powerful partners overseas who have, in a number of cases, connived with national agents. Quite besides the technical difficulties and the substantial resources involved in preventing and detecting these crimes, penal codes and other national legislations have proven not effective in containing the situation. In the case of consumer fraud for example, few African countries, if any at all have consumer protection legislation, leaving the African consumer a helpless target of both scrupulous overseas and local manufacturer and traders.

(b) Abuses of public power and human rights violations

35. Abuse of public power and human rights violations cover acts committed or perpetrated by national authorities which infringe the rights of certain individuals, or groups in a given country and society. (Sudan Report). It comprises crimes against the public administration committed by those carrying out public functions, which harm or jeopardize the structure or proper operation of public institutions and services. (UN A/CONF./87/6) Such acts often involve the deliberate use of power for specific aims that could not be legitimately justified, for the exclusive benefit of power itself, for the perpetuation of an unjust political, social or economic system. (UN, Ibid.). This category also includes such acts as indiscriminate and wide scale political imprisonment, detention without trial, torture, disappearances, extrajudicial execution, maltreatment and persecution of political opponents, infringement of the right to privacy and other similar acts. (Amnesty International report, 1991). Because of the frequency of its abuse by those in power, ballot rigging and nullification should also be added here.

> "Abuse of public power can arise from a public official refusing to act when he or she has a duty to do so or from the deliberate commission of an act in violation of the law. There may be non-enforcement of the law because the offender is sheltered or protected,... Also the law may not be enforced because of.... political pressure, bribery or out of a desire to protect a fellow high official. Whatever the form, the intent and effect of an abuse of power are to use the authority of an office to advance some private gain at the expense of the public good as defined in a statute or in a programme objective."(UN A/CONF.87/86)

36. Few legal systems in African countries have effective safeguards, either under criminal law or civil law, which proscribe against practices relating to abuse of power and human rights violations. Even in those few countries where some constitutional provisions or guarantees against abuse of power and human rights violations do exist, these guarantees are not always adhered to or respected. A number of African countries have also acceded to major human rights treaties and instruments. These include the **Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, The United**

Nations Conventions Against Torture, and other Cruel, Inhuman or Degrading Treatment of Punishment. By the end of 1990, forty OAU member States were a party, either through accession and/or ratification, to the African Charter on Human and Peoples's Rights which was adopted by the eighteenth Assembly of Heads of States and Government in 1981. This Charter guarantees such rights as liberty, equality before the law, respect for the right, integrity and dignity of the individual; freedom of conscience, assembly, association, movement and participation, and from all forms of exploitation and degradation particularly slavery, slave trade, torture, cruel inhuman and degrading punishment and treatment etc.

37. Yet, there is evidence to suggest that the African Charter, as well as the other international instruments are not being observed in a number of African countries. Amnesty International has been documenting cases of human rights violations and abuse of power since it was founded in 1961. In their 1990 and 1991 reports, a number of African countries were cited for abuses of power and violation of the human rights of their citizens. Without any prejudice to a particular country, a few examples will be cited here. Due to the political sensitivity of the issue, names of countries will not be mentioned. In country A two people are said to have been imprisoned for criticising senior government figures, and political detainees were subjected to severe beatings or other forms of torture. In country B political detainees were reportedly tortured and prisoners were severely beaten and some were buried up to their necks, then beaten again on the head. One prisoner lost hearing as a result of this treatment. In country C political detainees have no opportunity for judicial appeal to establish the reason for, or the legal basis or likely duration of their detention.

38. Two political prisoners died in country D allegedly as a result of torture or ill-treatment followed by medical neglect. Several prisoners of conscience remained under detention without trial in country E, including a priest who was arrested for ordering church bells to be rung when government troops entered his town to arrest suspected conspirators. Cases of arrests and detention because of opposition or criticism of a one-party rule are reported to have occurred in a number of countries in 1990 and 1991. Several people were arrested in country F one of whom later died allegedly of torture, for protesting to the government about authorities' misappropriation of food supplied intended for flood victims. Detention (including incommunicado) without trial of suspected opponents of the government of the day, intimidation by security authorities, extrajudicial execution, arrests solely on the basis of ethnic or regional origin and family or other alleged links to suspected opponents, were reported to have occurred in several African countries. The detention of wives, daughters and other female family members of government opponents, based simply on their family links was particularly noted in country G.

39. Reports of arbitrary arrests, and detention, torture, extrajudicial execution, mass expulsion from the country (even of those who had been citizens for years) and other abuses by government forces of one particular ethnic/racial group in country H were documented. In country I government took no action against government forces responsible for the summary killings of several hundred rural farmers and villages, under the pretence of getting rid of bandits and cattle thieves. Opponents of the government however alleged that the killings was carried out in order to intimidate the rural population and stifle opposition in advance of presidential, legislative and local elections. In country J the head of state publicly announced that people from one specific geographical location of the country were undermining the economic and political stability of the country, those who were teachers were deliberately teaching children from other parts of the country badly, and that they should be transferred back to their areas of origin. Those who dared criticise the statement, as well as many others from that part of the country including civil servants, employees of state-owned companies, and students were arbitrarily detained. As one writer put when describing three African leaders: "One leader's venality spawned a corruption ethic that underdeveloped his country, another's arrogant indifference to the suffering of his people helped transform a civil war into a holocaust of manmade famine. Greed for kick backs in the third country greased the construction of a ludicrously overpriced and ill-planned dam."(Harden). The writer adds that these three leaders survive in "a similar, time-tested Big Man ways. Beneath a comically transparent facade of democracy, they buy loyalty, using state resources. What they cannot buy, they compel, using state muscle. They legitimize themselves and perpetuate their reigns not by serving their countries, but by consuming them."(Ibid.).

III. FACTORS CONTRIBUTING TO CRIMINALITY.

40. Criminologists and other social scientist made tremendous efforts to analyze and explain the etiology and phenomenon of crime, and several theories of causation have developed over the years, from biological factors to environmental causes to the generally-accepted modern concept of multiple causation, involving different cultural, social, economic environmental and political considerations. Some of these factors are briefly discussed here.

1. Early antisocial behaviour

41. Problematic antisocial behaviour in some children tend to continue in later life. The greater the variety, frequency, and seriousness of childhood maladjustment, and in the absence of effective ways of handling it, the greater the risk of persistence and the behaviour continuing into adulthood. Unfortunately studies of cases in African countries to support this position are not available. But studies elsewhere have shown

that persistent early antisocial behaviour appear to predict delinquent behaviour and increases the probability of involvement in crime later in life.(ECA/OAU/AMSA.V/15d).

2. Family-related factors

42. In the traditional African set up, the family and all its extended members, as well as the community and its leaders, play a very important role in the socialization an formation of the behaviour of its members, along culturally prescribed and acceptable norms with clearly defined goals and sanctions. Over the years however, particularly in the urban areas, the traditional socializing role of the family is increasingly being shared by other social institutions such as the schools, work places, new and more heterogenous peer groups, the mass media, and religious institutions. Exposure to the outside world, with all its new knowledge, technologies, communication system,and other new infrastructure, inspite of its positive contribution to development, had also gradually eroded the traditional authority of the African family.

43. The weakening of family ties and its social control and preventive mechanisms has been identified by several African countries as a significant factor in the growing phenomenon of juvenile deliquency and criminality. In the **Congo** for example, familial factors such as parental separation, divorce, abandonment, excessive corporal punishment which provokes defensive attitudes against parents and authority, and permissiveness without proper control, were identified as contributing to rising rates of juvenile deliquency. A similar situation was observed in **Burundi** where it was noted that the absence or deficiency in familial care and education resulted in the child abandoning his sense of worth and morality, eventually becoming a social misfit.

44. Similarly, an analysis of the causes of deliquency in **Madagascar** singled out family-related problems as a the main cause. A number of subregional and regional seminars, (**Brazzavile 1984, Addis Ababa 1987 and Kampala 1991**) have all identified family factors as the root cause for juvenile deliquency leading to criminal behaviour later in life. A study carried out in five major cities in **Tanzania** also confirmed that a number of juvenile delinquents were deprived of proper family environment and care. A survey of street children in selected areas of the capital city of **Addis Ababa** conducted by the Ethiopian Ministry of Social Affairs in 1988 indicated that a high proportion (55%) of the children studied came from incomplete homes. (ECA, Op.cit.)

45. Another recent study on juvenile deliquency and criminality in twenty major urban centres in **Ethiopia** confirmed that a combination of a broken family as well as other factors such as tension and friction, lack of affection, frustrated ambitions, rejection, and deprivation disposes young people to anti-social behaviour which later could be criminogenic as the individual

seeks satisfaction and compensation elsewhere. Similar studies in **Uganda, Senegal and Zambia** have identified family negligence and broken homes as factors which influence juvenile deliquency which, if not checked could later lead to criminal behaviour. (ECA, Ibid.).

(3) Urbanization and social change

46. Social change may often occur in the process of urbanization and modernization, particularly in the fast-growing urban centres of most African countries. It entails a modification of the social environment, the social norms transmitted by families to future generations, revision of population characteristics and a shift in community power structure, upsetting the previous balance of group relationships and the individual's place in that group. This could result in social disorganization which occurs when the unity of a given group or society declines because the institutionalized patterns of behaviour are no longer effective and the social controls over individual behaviour break down (Johnson, 228). Among the common characteristics of urban life are heterogeneity of cultural norms and behaviour patterns, functional specialization, population mobility and stratification, and a high degree of impersonality in interpersonal relations. As clinard puts it "the resultant disruption are greatly intensified when social change is disorderly, when the degree of social change is high, and the creation of new institutions is great. (Clinard, p.6).

47. Urbanization studies in several African countries indicate several criminogenic contexts: Urban areas grow at very high rates and have high population densities of diverse ethnic and cultural background. The influx of migrants from rural into the urban areas has resulted in the development of unplanned and uncontrolled shanty towns, slums and squatter settlements.

48. The physical environment of slums is characterized by very inadequate and depressing social services such as housing, education, water and sanitation, health facilities, recreational services, and other amenities. Rates of unemployment and underemployment are very high and continue to rise. Many urban dwellers including new arrivals, find themselves uprooted from the cultural context with which they are familiar, and are exposed to radically different lifestyle. Traditional patterns and norms of behaviour are radically changed and the traditional emotional and material support system and the social control mechanisms of the family, community and indigenous institutions, which are so important in guiding and enforcing behaviour and norms are weakened or non-nonexistent. In such an unfriendly, indifferent, and often rootless and abject environment, frustration, and the need to survive and make ends meet can lead to criminal tendencies and behaviour. There is evidence to show that many categories of crime as already discussed above, particularly crimes against property, are characteristics of many African urban centres. Pockets of lawlessness, hooliganism, shoplifting, pickpocketing, violence and clandestine groups

engaged in illicit activities including drug trafficking and abuse abound in urban centres in varying degrees, across the continent. According to Fisher, crime can thus be seen as an accompaniment of social transition which is part of overall process of economic growth and development. Its abatement would require more effective law-enforcement and programmes to assist the urban immigrants. (Fisher, 29).

(4) Failure and loopholes in the criminal justice system

49. Failure of the criminal justice system and other authorities to enforce existing laws could also contribute to the increase in crimes in a given countries. Nonenforcement often occurs for a variety of reasons including the need to protect the offender who may be a high public official, inefficiency of the system, negligence, political pressure not to prosecute because the timing may jeopardize political chances of certain personalities, bribery, discretionary power on the part of the law enforcement agent, lack of adequate punitive sanctions, or simply because the offender is beyond the reach of law by virtue of position, political or economic power or connections. These situations can result in selective operation of the criminal justice system whereby while allowing some, particularly the powerful, to get away with serious offenses, others, particularly the vulnerable groups who do not have adequate means of recourse, pay a high and at times disproportionate price for their offenses. In cases where the criminal justice system, notably the judiciary, has little or no autonomy in the exercise of its duties and responsibilities and its high-level officials are subject the authority and whim of those in power, its authority and power to enforce the laws can be seriously curtailed, if not made ineffective. For example in a move (and possibly under pressure) to give more power to the head of State, the parliament in one African country recently passed an amendment to the constitution which stripped the security of tenure from the powerful posts of attorney-general and auditor-general (New York Times, 15 December 1986). In a similar move, the same parliament approved a constitutional amendment giving the president unrestricted power to dismiss judges. (Reuter, 3 August 88).

50. The acquiescence of the public may also contribute to the perpetuation of disrespect for the rule of law, especially by those in public positions. It may either be out of ignorance of the extent and damage of abuse of power or it may simply mean powerlessness to act. Recent political developments in a number of African countries in which the public at large has been forced to act against corrupt and autocratic governments, through demonstrations, strikes and negative votes are a proof that the public can be tolerant of these abuses only to a certain extent.

III. THE ECONOMIC AND SOCIAL COSTS OF CRIME

51. The impact of crime on African countries can also be seen from its economic and social costs. Even though the issues of crime prevention and criminal justice still have not received the type of priority they deserve in African countries, as compared to economic sectors, the pervasiveness of crime in the region and the costs it exacts on both the social and economic scene in individual countries demands for adequate policy responses and drastic measures both at the national and regional levels.

52. Data on the exact economic and social costs in individual African countries are hard to come by. The non-availability of specific data, coupled with the difficulties of quantifying costs particularly social costs of crime, leaves no alternative but a cursory attempt to make generalization, based on the limited information available. Costs of crime are measured in terms of their obstructive and negative effects on development programmes in any given country, by diverting scarce resources, thereby preventing their optimal utilization and the attainment of national development goals.

(1) Economic costs of crime

53. The economic costs of crime are measured in terms of the huge expenditure that African governments have to allocate to the criminal justice system in a given country (the police, courts, prisons, etc.) in order to prevent and control crime. The apprehension, remand, conviction, incarceration and correction of offenders require the use of considerable national resources, both human and material. Increase in robbery, and burglary and other crimes against property means that individuals, families and institutions have to take more expensive protective measures such as heavy locks and iron bars, high walls, electronically-operated doors and windows, armed guards and high insurance premiums to secure themselves and their property. The material loss of stolen property and not to mention replacement costs can bring untold misery to the individual, family or institution concerned. Crimes against the person results in human injury and loss of life, not to mentions the costs involved in medical treatment and care. The opportunity costs of the victim, particularly if he is the bread winner can be considerable.

54. Economic crimes and malpractice such as embezzlement, fraud, tax evasion, foreign currency transactions, smuggling, etc. drain acutely- needed public funds, which could have been used more productively on the development of other national sectors, such as industry, education and health. The loss of huge amount of finances to individual countries directly or indirectly, exacerbate existing poverty, inequalities, and the abject conditions in which the majority of Africans live. For example, the embezzlement of funds from the ministry of health could lead to the shelving or non-implementation of a preventive health programme vital to the population, and thus affecting the general

health of the population and in the long-run requiring higher levels of funds for curative measures. Fraud in the ministry of education may result in the failure to supply schools with much needed educational materials (desks, textbooks etc) thus affecting the educational quality and level of the Africa's future leaders. The collapse of an improperly- constructed building or bridge, due to collusive contractual arrangements involving bribery and huge kickbacks, can (and has resulted) result not only in the loss of huge amounts of public funds, but also in human life. Corruption easily foster inertia and inefficiency and a general slow down of the process of development. All these negatively affect the constructive development of African countries.

(2) Social costs of crime

55. The social costs of crime, most of which cannot be calculated in money terms, are much more difficult to detect and restitute. Crime undermines the moral fabric of society and breeds a climate and sense of fear, insecurity, and mistrust. It tramples on society's spiritual and material well-being and compromises human dignity. Personal loss or injury engendered by a criminal act can only be fathomed by the individual victim of that loss. "Freedom from want may become all but meaningless if not accompanied by freedom from fear.... Crime breeds social divisiveness, disinvolvement, estrangement and conflict, and is in turn fostered by them.... Social cohesion may be weakened, polarization accentuated (UN, A/CONF.56/7), and may eventually result in serious social disruptions which if not checked, could undermine the process of development. Failure for the law enforcement agents to protect the public from criminal acts can result in the public taking the law in their own hands. Beatings of criminals are not uncommon in public places such as market places and bus stops in African countries.

56. Abuse of public power is a breach of public trust and leads to the loss of faith in public leadership and confidence in the functioning of the governing system. "Abuses of public power may undermine the legitimacy of government, thus giving rise to instability, the overthrow of rulers and harm to the societal and moral unit of a nation. They may also serve as justification for conventional crimes by the masses and political terrorism."(UN, A/CONF.87/6). In addition, the denial of wider participation of the people in issues which involve their destiny, enjoyment of the fruits of development and of their basic human rights have contributed, in many African countries, to the marginalization of big segments of the population who, due to frustrations, and a feeling of hopelessness, resort to protests and violent acts, which in turn provoke counter-violence and official repression, resulting in civil disorders and bloodshed. Recent developments in South Africa and a number of African countries attest to this. It has been said that crimes associated with economic malpractice and abuse of power put together exact higher costs on individuals and a nations, than all conventional "street crimes" put together.

(3) Effects on victims of crime

57. Unfortunately, the administration of criminal justice in accordance with the penal systems currently in operation in African countries, gives little, if any consideration to the victim of crime. The existing penal systems pit the state against the offender, while the victim is almost completely left out in terms of redress and support services to reduce the trauma of the offence inflicted on the victim. Traditional African societies had inbuilt community justice practices which accorded a status and more recognition to the victim. Such practices included mediation, arbitration, restitution and compensation to the victim of crime or his family. It seems however that, contemporary legal systems in African countries, which are based mostly on those imported from European countries, did not maintain these traditional systems of criminal justice. In addition, during criminal proceedings, insensitive treatment of the victim by the defence lawyer or trial judge, and the lack of suitable arrangements to protect the victim from further harassment, can lead to a further feeling of victimization and this in turn might result in the victims's refusal to cooperate with the criminal justice system in trying to solve the crime. Furthermore, social stigma associated with such crimes as rape could have a devastating and lasting social and psychological impact on the victim for which no degree of punishment of the offender could ever compensate. Victimization, through the abuse of public power, such as torture, disappearance, and death "has been shown to have negative effects not only upon the direct victims and their families, but also upon one or more succeeding generations of those victims." (UN, A/CONF.121/REV.1).

(4) Effects on the offender

58. Even though the public is less likely to feel any sympathy for a criminal, his offence also exacts some social costs on him/her, his/her family and community. The humiliation of being caught, felt particularly by a first-time offender must be excruciating not just for him, but also to his family, friends and community. Imprisonment and similar forms of punishment are dehumanizing and can result in the destruction of the personality of an inmate, who, especially in the absence of constructive rehabilitative programmes, could come out worse and possibly more destructive than he was before the offence. It is also believed that, in the absence of adequate constructive activities, prisons could present the best opportunity for fairly newcomers into the world of criminality, to learn more criminal trickery from the more experienced inmates. Furthermore, as pointed out by the regional preparatory meeting to the United Nations 8th Congress on the Prevention of Crime and the Treatment of offenders, most prisons in African countries are overcrowded and their general conditions are much more punitive than deterrent or rehabilitative for the inmates. In such circumstances, in addition to prisons being breeding grounds for criminogenic

behaviour, their inmates are easily exposed to all types of health hazards, including drug abuse and HIV infections. Serious consideration of non-custodian measures of punishment of offenders, is seriously required to redress some of these problems.